

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Case No. 15-CR-20609-12

Plaintiff,

v.

D-1 ROGER MAX AUSTIN, et.al.,

Defendants.

**ORDER SEVERING DEFENDANT FOR TRIAL
AND FINDING EXCLUDABLE DELAY**

Before the court is the Government's Motion to Sever Defendant Richard Barnes from the first trial scheduled for October 10, 2017. (Dkt. # 282.) Having considered the Defendant's response (Dkt. # 294), and for the reasons set forth in the Government's Motion and during the September 18, 2017 hearing on the Motion, the court hereby severs Defendant Barnes from the first trial group and places him in the second trial group, currently scheduled for January 8, 2018.

The Government further requests an Order for Excludable Delay. In support of its request, the Government notes that the investigation pertaining to this case began in 2011 and now involves 19 defendants, multiple law enforcement agencies, evidence from multiple geographic locations, and over 40 witnesses. (Dkt. # 282, Pg. ID 1525.) Based upon consideration of the number of Defendants and charges, and relatedly, the nature and quantity of the Government's evidence, the court concludes that this case is so complex that it is unreasonable to expect adequate preparation for pretrial

proceedings and trial within the time limits established by the Speedy Trial Act. Under these circumstances, the need for an excludable delay outweighs the public's and the Defendant's interest in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A); see also *United States v. Stone*, 461 F. App'x 461, 465 (6th Cir. 2012) (holding that the district court did not abuse its discretion in excluding 10-months from the Speedy Trial Act period when “the nature of the evidence against [defendants was] complex, far-reaching, and immense”). Accordingly,

IT IS ORDERED, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), the time between October 5, 2017 and January 8, 2018, shall be excludable in computing the time within which the above-captioned case must commence, and the Government's motion (Dkt. # 282), is hereby GRANTED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 20, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 20, 2017, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522